

Justifying a Coup d'État in the Name of Democracy?

Mariana Velasco Rivera

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Last Sunday a *coup d'état* took place in Bolivia. President Evo Morales stepped down after Williams Kaliman, the country's top General, suggested him to resign in a televised message. General Kaliman's "suggestion" was the last move after a series of violent acts against authorities and regime supporters. [Reports say](#) the "civic groups" set on fire governors', government officials' and party members' houses and held family members hostage to force them into resigning (the house of Morales' sister was also set on fire).

On Saturday, one day before General Kaliman's "suggestion", the [police joined the anti-government protests](#), which eventually allowed Luis Fernando Camacho, the circumstantial leader of the far right wing anti-government movement, into Palacio Quemado to ["take \[the bible and\] God back into the Palace"](#).

This happened after weeks of increasingly violent clashes among Morales' supporters and his adversaries in the wake of a disputed election where Evo Morales had been elected for a fourth term (less than half a percent point short from a required runoff election). After his resignation, [there are reports of efforts of political persecution](#) against members of the MAS and violence against Morales' supporters. On Tuesday, Evo Morales [landed in Mexico](#) as a political refugee and several government officials and party members are reported to be under diplomatic protection in Bolivia. With Morales in exile, the country is still in chaos. [Civil unrest, looting, arson, vandalism](#) and violent acts and threats against MAS' officials and (mostly indigenous) supporters continue and the military has been deployed in different cities. There are reports of repression by military and police forces and of [resistance](#) by the indigenous population.

Under the Morales administration, Bolivia became the fastest growing economy in the region. At least briefly, Morales had also managed to tame the long-lasting polarization that rests on a deep indigenous-non indigenous cleavage. Yet, Evo Morales also made important political mistakes and employed questionable practices to hold onto power. To this day, the text of the Bolivian constitution (article 168) only allows one consecutive reelection. However, last month Morales was reelected for a fourth consecutive term (2005, 2009, 2014, 2019).

Unconstitutional constitutional law

Evo Morales' candidacy in 2014 raised questions because it was the third since he initially came to office in 2006 but the second under the constitution of 2009. Still, he won the elections by a landslide (61% of the votes). Perhaps motivated by the democratic legitimacy handed by the electoral results of 2014, in 2016 the MAS

attempted to amend the constitution to do away with the reelection limitations that would have otherwise prevented Morales to run for office in 2019. Yet, 51% of the people rejected the amendment in the last step of the constitutional amendment process (article 411 of the constitution). Unhappy with this outcome, a group of MAS legislators brought the issue to the (popularly elected) Constitutional Tribunal in an abstract review action. The MAS argued that the constitutional (and legal) limitations on reelection constituted a violation to political rights and to the right to equality and no discrimination established in the constitution and in the American Convention of Human Rights (ACHR).

In 2017, the Constitutional Tribunal held that these limitations were unnecessary and not proportional restrictions to the right to equality and no discrimination. In the view of the Tribunal, potential candidacies for reelection are only a possibility that in no way means incumbents would necessarily run for reelection; or, in the case they decide to run for reelection, that they would actually prevail. In any case, according to the Tribunal, it is up to the citizens to decide to reelect an incumbent or not in free and fair elections (Tribunal Constitucional Plurinacional, Sentencia Constitucional 0084/2017, p. 79). Consequently, the decision lifted the constitutional (and legal) reelection limitations for all popularly elected positions.

Fast-forward to October 20th, 2019. As mentioned above, Morales dodged a runoff election by half a percent point. According to the constitution (Article 166-I), when a candidate gets at least 40% of the votes it is necessary to have a difference of at least 10% in relation to the second runner up. According to the official results, Morales received 47,08% of the votes and former President Carlos Mesa (from *Comunidad Ciudadana*) 36.51%. The sudden [inexplicable halt](#) for almost 24 hours of the updating of the results the night of the vote cast doubt on the election. Against this backdrop, it is only understandable that initially the opposition (then still led by Mesa) demanded a recount and the appointment of new electoral judges.

After days of increasingly violent protests and international pressure, Evo Morales agreed to a [binding audit of the elections to be conducted by the Organization of American States](#) (OAS) along with the Electoral Tribunal to clear any doubts about the credibility of the results. Yet, the anti-government movement was not satisfied. Now they demanded for Morales' resignation, new elections and newly appointed electoral judges. Last Sunday, immediately after the OAS released a [preliminary report](#) stating that based on preliminary findings (e.g. several security breaches) the auditing group could not validate the electoral results. Immediately after the release of the report, Evo Morales [called for new elections](#) and vowed to renovate the Electoral Tribunal. This was still not enough for the anti-government movement. A few hours later, General Kaliman "suggested" to the President that he should resign.

A coup is a coup

Much of the public debate about the situation in Bolivia has focused on whether what happened on November 10th constituted a coup d'état or not. In fact, the answer to

this question has been shaped in ideological (right-left) terms. The right is treating the situation as a successful revolution and the left as a coup.

The United States, virtually all members of the OAS, and the [corporate media](#) have resisted calling it a coup. [Reports say](#) that on Tuesday, November 13th, there were clashes between the U.S and the Mexican delegations in the OAS precisely on this issue. According to these same reports, only Mexico, Uruguay, Nicaragua, Antigua & Barbuda openly called it a coup. Similarly, there are reports of similar clashes in the [European Parliament](#).

Why so much resistance to call things by their name? The reader may wonder. To call these events a *coup* and at the same time to justify and/or being comfortable with them would involve an express rejection of democracy as “the only game in town”. It would amount to normalizing non-institutional and violent means for the handover of power. This is perhaps the reason why the media and right-wing leaders have been [hesitant to call it as such](#), [giving one-sided accounts](#), or outright celebrating it as a [“significant moment for democracy”](#) in the Western Hemisphere. The big risk of buying into this narrative is to turn a blind eye on a clear threat to democracy.

I spent most of the space in this post trying to give a detailed account of the Bolivian context because for those of us interested in comparative constitutionalism in general and in the processes of democratic decay in particular, this case sheds light on an important challenge: the challenge of getting the facts and context right to make accurate (comparative) scholarly assessments. Bolivia is a very interesting case-study for the emerging research field of democratic decay. On the one hand, Morales’ practices could be an example of “constitutional hardball”, “autocratic legalism” or even “abusive constitutionalism”. And on the other, the *coup d’état* could potentially illustrate what Tom Ginsburg and Aziz Huq have called democratic collapse. In either case, each of these aspects would require a proper understanding of the facts and context of the Bolivian situation. I hope that this post is a small contribution in that direction.

